

ORDINANCE NO. 2004-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, IMPOSING A TEMPORARY MORATORIUM EFFECTIVE ON JULY 27, 2004, ON THE ISSUANCE OF ALL DEVELOPMENT ORDERS IN KILLEARN LAKES UNITS I AND II; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Leon County finds that poor soil conditions, perched water tables, small lot size development, inadequate stormwater drainage and inaccurate water table indicators are contributing to a high failure rate of septic tank systems in Killearn Lakes Units I and II, which created a significant adverse impact on the health, safety and welfare of the residents of Killearn Lakes Units I and II and Leon County in general; and

WHEREAS, the predominant soils in Killearn Lakes Units I and II have severe limitations for septic tank use based on USDA Soil Conservation Service Ratings. The soils are typified by the Dothan series and are characterized by slow permeability, perched water tables and excessive slopes; and

WHEREAS, Dothan type soils range from loamy sand and sandy loam in the first eighteen inches (18") to sandy clay loam for the rest of the profile. The first eighteen inches (18") of the profile accepts water at a relatively faster rate than the rest of the soil profile. Water moving vertically through the profile is slowed the deeper it travels. This causes the faster moving downward flow of water to "perch" above the deeper and slower moving flow resulting in an artificial water table; and

WHEREAS; Killearn Lakes Unit I and II utilize a stormwater drainage system known as "sheetflow." This concept allows stormwater to flow along the natural contours to a main discharge area or areas. Because of its dependency on the natural contours to provide drainage, sheetflow systems may be hindered by development that alters natural contours; and

WHEREAS, due to the predominant soil types, perching of the groundwater, and elevation of the wet season water table, many septic tanks in Killearn Lakes Units I and II have been required to be mounded systems, meaning that the drainfield is elevated by the use of fill material to meet the requirement that a minimum distance is maintained between the bottom of the drainfield and the top of the wet season water table to ensure adequate percolation; and

WHEREAS, mounded systems alter the natural contours relied upon for the sheetflow stormwater drainage system, flooding of properties has occurred and is occurring with more frequency as the region moves from drought conditions to more normal rainfall conditions; and

WHEREAS, due to perched water tables and inadequate water table indicators, mounded septic systems are failing at an increasing rate in Killearn Lakes Units I and II because the minimum distance between the bottom of the drainfield and the top of the water table cannot be maintained; and

WHEREAS, a sheetflow stormwater drainage system combined with failing mounded septic systems produces the conveyance of effluent, and at times, partially treated sewage, from property to property along the sheetflow route. The Board of County Commissioners has taken extensive testimony from residents of the area concerning the failure of individual systems and the presence of effluent and partially treated sewage in the stormwater runoff; and

WHEREAS, Leon County has enacted Ordinance 03-33 creating a Special Development Zone in Killlearn Lakes Units I and II, wherein mound septic systems are prohibited; aerobic treatment units, or other alternative treatment systems, are required; design engineers are required to demonstrate that the system will have no adverse impact on the functioning of existing septic systems in the subdivision and no adverse impact on the stormwater treatment system for the subdivision; and septic tank installers are required to certify the functioning of systems for a five year period; and

WHEREAS, Leon County has received a preliminary report from its professional consultant showing water quality samples from sampling stations throughout the Killlearn Lakes stormwater treatment system for Units I and II which indicate very high levels of fecal coliform present in the stormwater stream; and

WHEREAS, Leon County Board of County Commissioners hereby finds and declares that these levels constitute an emergency health, safety and welfare issue for the residents of Killlearn Lakes I and II and underscore the necessity of providing a central sanitary sewer system to the residents of the affected developments; and

WHEREAS, Leon County has identified a potential funding source for the design of the central sanitary sewer system and continues to conduct water quality sampling to support funding of the system by establishing that installation meets the criteria established by the funding source; and

WHEREAS, if funded, Leon County anticipates that the design of the system can be completed within twelve (12) months; and

WHEREAS, Leon County anticipates that a central sanitary sewer system can be constructed and available to serve Killearn Lakes Units I and II within eighteen (18) months of the date this ordinance takes effect;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

Section 1. Leon County hereby enacts a temporary moratorium on July 27, 2004, on the issuance of all development orders for vacant lots, not served by sanitary sewer as of the effective date of this ordinance, within the platted subdivisions known as Killearn Lakes Unit I, recorded in the Public Records of Leon County at Plat Book 6, Page 26 A-L, and Killearn Lakes Unit II, recorded at Plat Book 6, Page 39, until a central sanitary sewer system is constructed and available to serve all properties within Killearn Lakes Units I and II. For the purposes of this ordinance, "development order" has the meaning ascribed to it in section 163.3164, Florida Statutes (2003), and "vacant" shall mean a lot for which no septic or building permit has been issued on or before July 27, 2004.

Section 2. **Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. **Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. **Effective date.** This ordinance shall take effect on July 27, 2004.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
County, Florida, this _____ day of _____, 2004.

LEON COUNTY, FLORIDA

By: _____
Jane G. Sauls, Chairman
Board of County Commissioners

ATTESTED BY:

BOB INZER, CLERK OF THE COURT

By: _____
CLERK

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By: _____
HERBERT W.A. THIELE
COUNTY ATTORNEY